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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------------|------------------|
| 09/651,658 | 08/29/2000 | Raymond J. Beach | IL-10571 | 1359 |
| 7590 | 01/15/2003 | | | |
| Alan H Thompson P O Box 808 L-703 Livermore, CA 94551 | | | EXAMINER JACKSON, CORNELIUS H | |
| | | | ART UNIT 2828 | PAPER NUMBER |
| | | | DATE MAILED: 01/15/2003 | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|-----------------------------|----------------------|--------------|
| Offic Action Summary | Application No. | Applicant(s) |
| | 09/651,658 | BEACH ET AL. |
| | Examiner | Art Unit |
| | Cornelius H. Jackson | 2828 |

-- The MAILING DATE of this communication app ars on th cover sh et with the correspondenc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 29 October 2002.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

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Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

- 1) Certified copies of the priority documents have been received.
- 2) Certified copies of the priority documents have been received in Application No. _____.
- 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) Other: _____

DETAILED ACTION

Acknowledgment

1. Acknowledgment is made that applicant's Amendment, filed on 29 October 2002, has been entered. Upon entrance of the Amendment, claims 1, 12 and 16 were amended. Claims 1-20 are now pending in the current application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-8, 11-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meissner et al. (5936984) in view of Peressini (6418156). Meissner et al. teach a laser rod **101**, having a first and second end, a first and second flanged endcap **103, 105**, and an entire length operatively connected to their respective end. Meissner et al. fail to teach that the laser rod is doped, tapered and polished. Peressini teach the laser rod is doped, tapered along the entire length **see Fig. 11, col. 14, lines 15-38 and col. 23, lines 2-65**. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teaching of Peressini to the laser

rod of Meissner to better control the lasing mode within the gain medium, **see col. 23, line 66-col. 24, line 5.**

In regard to claims 2-3, 6 and 8, Peressini teach all stated limitations, **see Fig. 11.**

In regard to claims 5, 12-15, Meissner et al. teach all stated limitations, **see cols. 4-7.**

In regard to claims 7 and 11, it would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the taper value and/or diameter of the laser rod, since has been held that were the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller*, 105 USPQ 233.

In regard to claims 16-18 and 20, the method of forming the device is rejected under the same grounds of the device itself, since the device made would be formed by the method.

4. Claims 4, 9, 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meissner et al. (5936984) and Peressini (6418156) as applied to claims 1-3, 5-8, 11-18 and 20 above, and further in view of Tang (6263007). Meissner et al. and Peressini teach all the stated limitations except for the tapered laser rod being narrowest at about half the distance between the ends of the laser rod. Instead Peressini teach the shape of laser rod may be flat and parallel, or flat and non-parallel, or any other configuration that defines a suitable pump radiation distribution within the gain medium, **see col. 7, lines 27-31.** Tang teaches any other configurations that

defines a suitable pump radiation distribution within the gain medium, one being a tapered laser rod being narrowest at about half the distance between the ends of the laser rod, **see Fig. 9**. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use any of the configurations of Tang with the laser rod of Peressini, since Peressini encourage other configuration that defines a suitable pump radiation distribution within the gain medium, **see col. 7, lines 27-48**.

In regard to claims 9, 10 and 19, see corresponding claim rejections above.

Response to Arguments

5. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cornelius H. Jackson whose telephone number is (703) 306-5981. The examiner can normally be reached on 8:00 - 5:00, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-7722 for regular communications and (703)308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.



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chj
January 12, 2003